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9 IN THE UNITED STATES DISTRICT COURT
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11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 VICTOR ANGELES SERRANO NASH,
16 Defendant.

Case No. 2:22-cr-00122-JAM

STIPULATION AND ~~PROPOSED~~ PROTECTIVE
ORDER REGULATING DISCOVERY

17 Pursuant to Federal Rule of Criminal Procedure 16(d), the United States, by and through
18 Assistant U.S. Attorney Alstyn Bennett, Defendant Victor Angeles Serrano Nash, by and through his
19 counsel of record, Johnny L. Griffin, III (“Defendant” and “Defense Counsel”), stipulate and agree, and
20 respectfully request that the Court order as follows.

21 1. As of the date of this stipulation and order, the Government has produced discovery to
22 the Defendants identified as subsections of Bates numbers NASH_000001 through NASH_000086.

23 2. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of
24 Criminal Procedure, and its general supervisory authority;

25 3. The Government has in its possession additional discovery that may be required under its
26 discovery obligations, but even if not required, may facilitate the Defendant’s trial preparation. This
27 discovery will be considered “Protected Material” as described in this stipulation and order, as will any
28 other discovery marked as Protected Material.

1 4. This material consists of reports and medical records that contain personal identifying
2 information, and audio and video that contain sensitive law enforcement techniques, or which identify a
3 law enforcement undercover agent and/or confidential source by voice and/or likeness.

4 5. The purpose of this stipulation and order is to establish the procedures that must be
5 followed by Defense Counsel, any designated employees, and any other individual who receives access
6 to any Protected Material in this case and the information therein.

7 6. The Government shall produce the aforementioned Protected Material to Defense
8 Counsel, designating the discovery with the bates prefix, “NASH_PM_.” This discovery, and any
9 subsequent material discovered by the Government to Defense Counsel using the bates-prefix, shall be
10 considered Protected Material.

11 7. All Protected Material in this case is now and will forever remain the property of the
12 Government. It is entrusted to Defense Counsel only for purposes of representing his Defendant during
13 the pendency of this case.

14 8. Defense Counsel shall not give any Protected Material to any person other than Defense
15 Counsel’s staff assisting in preparation of the present case. The term “staff” shall explicitly include only
16 attorneys, paralegals, legal assistants, retained experts, and investigators assisting Defense Counsel in
17 the present matter. The term excludes any other defendant in this matter (uncharged or otherwise) or
18 any other pending matter against the Defendant; any person involved in any case in which discovery
19 concerning the Defendant is produced; and any other person other than those specifically authorized to
20 see Protected Material under this paragraph.

21 9. Any person receiving access to the Protected Material from Defense Counsel shall be
22 bound by the same obligations as Defense Counsel and, further, may not give any Protected Material to
23 anyone.

24 10. No members of any of the Defendant’s family, friends of the Defendant, personal or
25 professional associates of the Defendant, or any other person affiliated with the Defendant shall be given
26 access to any Protected Material or its contents in any manner, for any reason.

27 11. Defense Counsel may make copies of Protected Material and may take written or typed
28 notes summarizing it in connection with preparation of the case. If necessary to the litigation of the

1 instant matter, Defense Counsel may also have audio or video forms of Protected Material transcribed.
2 All notes, copies, duplicates, summaries, transcripts, or other representations of or concerning the
3 information in the Protected Material comprises “Protected Material” itself, must be affixed with the
4 corresponding bates numbers and the “Protected Material” ledger, and is subject to all terms of this
5 stipulation and order.

6 12. Defense Counsel shall maintain a list of persons to whom any Protected Material is being
7 or has been given. Such persons shall be provided with a copy of the executed version of this stipulation
8 and order, shall sign their full names to a copy, and shall in writing acknowledge that they understand its
9 terms and are bound by it. If Defense Counsel is replaced for any reason, or if new counsel is appointed
10 in any phase of the matter, the new counsel shall not have access to any Protected Material until and
11 unless they sign a copy of this stipulation and order, under the terms described in this paragraph.

12 13. Defense Counsel may use the Protected Material in the defense of his Defendant in the
13 instant case in any manner deemed essential to adequately represent him (*i.e.*, in motions that are filed
14 under seal, if necessary; in *ex parte* applications as may be needed; and in reproducing and summarizing
15 Protected Material for use in trial preparation summaries, exhibits and as evidence, as may be needed),
16 consistent with this stipulation and order as it shall be originally prepared and signed.

17 14. In the event Defense Counsel needs to use any Protected Material in a manner not
18 authorized under this stipulation and order, Defense Counsel is entitled to seek to have this stipulation
19 and order amended by the District Court, after having given notice to counsel for the Government, in a
20 hearing before the District Court, in order to meet the obligations under the Sixth Amendment to the
21 United States Constitution.

22 15. Defense Counsel and any authorized members of Defense Counsel’s staff are authorized
23 to review with his Defendant the contents of the Protected Material. Defense Counsel and authorized
24 members of his staff, however, are prohibited from in any way giving his Defendant any Protected
25 Material or any memorialization of the content of any of it, such as: any of the Protected Material itself;
26 copies of any of the Protected Material; copies of excerpts of any of the Protected
27 Material; or summaries of any of the Protected Material. This prohibition will not extend to the
28 Defendant viewing the Protected Material in open court should any of these materials or summaries

1 thereof be used in the litigation of this case.

2 Respectfully Submitted,

3 PHILLIP A. TALBERT
4 United States Attorney

5 DATE: September 1, 2022

6 /s/ ALSTYN BENNETT
7 ALSTYN BENNETT
8 Assistant U.S. Attorney

9 DATE: September 1, 2022

10 /s/ JOHNNY L. GRIFFIN, III
11 JOHNNY L. GRIFFIN, III
12 Counsel for Victor Angeles Serrano Nash

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ORDER

Based upon the agreement of the parties and pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, the Court adopts the proposed stipulation regulating certain discovery in this case. **IT IS HEREBY ORDERED** that each of the terms described in the stipulation of the parties shall govern the Protective Material as defined in the stipulation in this case.

IT IS SO ORDERED.

DATED: September 1, 2022

The Honorable Jeremy D. Peterson
UNITED STATES MAGISTRATE JUDGE